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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,887	10/20/2003	Makoto Mikuriya	1163-0472P	2086

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EXAMINER
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PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/687,887

Applicant(s)

MIKURIYA ET AL.

Examiner

Edward Pipala

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in reply to Applicant's amendment and remarks filed 6/28/06.

Claims 1-8 are pending.

Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/6/06.

The previous objection to the incorporation by reference has been withdrawn in view of Applicant's amendment to the specification.

The previous rejection under 35 U.S.C. 112 2<sup>nd</sup> has also been withdrawn.

The previous rejection under 35 U.S.C. 101 is also withdrawn in view of Applicant's amendment to the claims.

Claims 1-4 and 8 are still rejected under 35 U.S.C. 102(e).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuchi et al., U.S. Pat. No. 6,546,334.

Independent claim 1 now essentially recites a data architecture of map data stored in a computer readable medium comprising link identification medium identifying a plurality of original links each of which corresponds to a part of an actual road network, auxiliary link identification information identifying a plurality of alternative links which substitute for any of the original map data links, wherein or such that the link identification information for each original link replaced by the alternative links is associated with auxiliary link identification information for the alternative links so that a map data processing apparatus recognizes the relationship between the original links and the alternative links.

In this respect please see the abstract of Fukuchi et al. which discloses a car navigation map update system in which link information is provided as shown in Figs. 6 and 8, wherein map update information is provided for particular sections of the map and which includes both map section identification as well as version numbers identifying those sections being updated (please see column 1 lines 47-65).

Dependent claims 2 and 3 respectively recite that the data architecture of the map data comprise a plurality of data parts processed by the apparatus for different purposes, where claim 3 claims the method for performing the apparatus' process.

In this respect please see at least col. 5, ll. 23-41 which disclose that Fukuchi et al. teach a data architecture which includes data with respect to version numbers, as

well as the replacement or updated map data information, thereby having data parts which are processed by the apparatus for different purposes.

Independent claim 4 is essentially a combination of the previous independent claim 1 combined with dependent claims 2 and 3, with the addition of an update processor for updating the map data in accordance with update instruction data.

As previously noted with respect to claim 1, Fukuchi et al. is a map update system and therefore performs the claimed updating of map data as particularly shown in figures 6 and 8.

Dependent claim 8 recites a map data providing apparatus comprising an update instruction data architecture as in claim 3, which further includes a transmitter for sending the update instruction data to the map data processing apparatus.

In this respect Applicant's attention is directed to figure 1 of Fukuchi et al., which clearly shows a map update data broadcasting section (4), where figure 2 further shows receiving the broadcast data for use in updating a map to be displayed.

### ***Response to Arguments***

3. Applicant's arguments filed 6/28/06, with respect to the rejections under 35 U.S.C. 101 and 35 U.S.C. 112 2nd have been fully considered and are persuasive.

The rejection of claims 1-4 and 8 on those grounds has been withdrawn.

Applicant's arguments respect to the 102(e) rejection of claims 1-4 and 8, as not being anticipated by Fukuchi et al., have been fully considered but are not persuasive.

Applicant's remarks seem to suggest that the claimed invention is directed to using link identification information and auxiliary link identification information "corresponding to each road segments" of an original link and an alternative link, respectively. The Examiner has carefully reviewed the pending claims and for any such limitation in which "road segments" or "road links" are recited and has found none. In as much it appears that in this respect Applicant is arguing limitations which are not present in the claims.

Applicant further argues that "Fukuchi merely teaches replacing the block of map data with a new block of data, Fukuchi does not teach using link and auxiliary link identification information for original and alternative road links as in the embodiments of the present invention", however in the previous paragraph of Applicant's remarks it was acknowledged that "Fukuchi teaches a system in which map data for a car navigation system is stored in a number of blocks representing segments of map data".

It is the Examiner's position that the map block data and link information taught by Fukuchi et al. clearly encompasses Applicant's claimed invention, and that even if claim language relating to road segments or links were to be added to the claims that Fukuchi et al. would still be a proper reference under 35 USC 102 in that the map data "blocks" of Fukuchi et al. still inherently contain information relating to road segments.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ejp

JACK KEITH  
SUPERVISORY PATENT EXAMINER